

Appl. No. 10/776,854
Docket No. 9526
Amtd. Dated November 15, 2007
Reply to Office Action mailed on August 15, 2007
Customer No. 27752

3

REMARKS

Claim Status

Claims 1, 3, 4 and 6 are pending in the present application. Claim 1 has been amended to add the limitation of a purifier cartridge; support for which can be found on page 1, line 31. Claim 1 has also been amended to further clarify the present invention; support for such clarification can be found at page 4, lines 15-18 of U.S. Patent Publication No. 2002/0185420, which has been incorporated by reference in the present application. Claims 2, 7, and 8 have been canceled. Claim 5 has been previously canceled. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102(e) Over Bristor

Claims 1, 3, and 4 stand rejected under 35 USC §102(e) over Bristor for reasons of record on page 4 of the Office Action. Amendments have been made to Claim 1 to further define that the spraying device contained with the carrying case comprises a housing with compartments for receiving a cleaning composition and a purifier. The remaining rejected claims depend on Claim 1 and, as such, Applicants request withdrawal of this rejection.

Rejection Under 35 USC §103(a) Over Bristor in view of Lee

Claims 3 and 6 stand rejected under 35 USC §103(a) as being unpatentable over Bristor in view of Lee for reasons of record on page 5 of the Office Action. Applicants respectfully traverse the rejection to the extent it may apply to the claims as amended because they fail to teach or suggest all of the claim limitations of the pending claims (see MPEP 2143.03).

Specifically, Bristor fails to teach or suggest a spraying device having a housing with a handle and compartments in the housing for receiving a cleaning composition and a purifier cartridge. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching suggestion or motivation supporting the combination, *In re Geiger*, 2 U.S.P.Q.2d 1276 (Fed. Cir. 1987). The Examiner must give some reason why one of ordinary skill in the art would have been prompted to modify or combine the teachings of the cited references to arrive at the claimed invention. Since it is the burden of the

Appl. No. 10/776,854
Docket No. 9526
Amtd. Dated November 15, 2007
Reply to Office Action mailed on August 15, 2007
Customer No. 27752

4

Examiner to establish a *prima facie* case of obviousness, the Examiner cannot pick and choose among the individual elements of assorted prior art references to recreate the claimed invention. The Examiner has the burden to show teaching or suggestion in the prior art to support their use in the particular claimed combination, *Smith-Kline Diagnostics, Inc. v. Helena Laboratories Corporation*, 8 U.S.P.Q.2d 1468, 1475 (Fed. Cir. 1988).

At best, Bristor discloses a caddy for receiving hot water and containing cleaning supplies and a spray gun. The Bristor spray gun is operably connected to a filter. However, the Bristor spray gun lacks a housing having compartments for receiving the filter. Further, the filter remains outside the spray gun in operation.

Lee does not add anything to Bristor that would suggest adding a compartment to the Bristor spray gun.

As such, Applicants request withdrawal of this rejection.

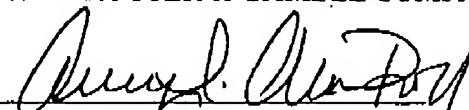
Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. All claims are believed to be in condition for allowance. Should the Examiner disagree, Applicants respectfully invite the Examiner to contact the undersigned attorney for Applicants to arrange for a telephonic interview in an effort to expedite the prosecution of this case.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Amy I. Ahr-Roll
Registration No. 44,498
(513) 627-8150

Dated: November 15, 2007
Customer No. 27752